

U.S. Patent Application No. 09/933,610
Amendment dated July 28, 2003
Reply to Office Action dated April 28, 2003

REMARKS

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims is editorial in nature or further defines what the applicants regard as their invention. Full support for the amendment can be found throughout the present application, including the claims as originally filed. Accordingly, no questions of new matter should arise and entry of the amendment is respectfully requested.

Claims 1, 4-33, and 35-69 remain in this application. Claims 2 and 3 have been cancelled.

At page 2 of the Office Action, the Examiner rejects claims 1-69 under 35 U.S.C. §102(b) as being anticipated by International Published Application No. WO 99/05209. According to the Examiner, WO 99/05209 shows a polyhydroxyalkanoate (PHA) molding composition comprising a powdered material which may be metal, ceramic, or blends admixed with the PHA binder, and which is processed by techniques such as injection molding, slip casting, or extrusion. The Examiner asserts that the composition of the cited reference includes the same features and characteristics of the claimed invention. For the following reasons, this rejection is respectfully traversed.

Claims 1 and 26 recite, in part, at least one PHA having a molecular weight of from about 500 to less than 10,000. Claim 44 of the present application relates to a decomposable PHA having at least one of the terminal end groups selected from a) $-\text{CO}-\text{CH}=\text{CR}^9\text{R}^{10}$; b) $-\text{OR}^{11}$; c) $-\text{COOR}^{12}$, d) $-\text{COR}^{13}$; or e) $-\text{OM}^+$.

WO 99/05209 relates to a molding composition including a PHA, wherein the composition includes a powdered material, such as metal powder, ceramic powder, or blend, admixed with a

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PHA binder. According to page 6 of WO 99/05209, a suitable molecular weight of the polymers is between about 10,000 and 4 million Daltons. As stated above, claims 1 and 26 recite, in part, "at least one thermally decomposable polyhydroxyalkanoate having a molecular weight of from about 500 to less than 10,000." Since the molecular weight recited in claims 1 and 26 of the present invention is less than the molecular weight in WO 99/05209, this reference does not teach the claimed invention.

With respect to claim 44, WO 99/05209 does not teach any of the terminal groups of the thermally decomposable PHA recited in claim 44 of the present application. Therefore, WO 99/05209 also does not teach or suggest the claimed invention. Should the Examiner disagree, the Examiner is respectfully requested to identify specific page and line numbers showing these technical end groups of claim 44. Accordingly, the rejection under 35 U.S.C. §102(b) should be withdrawn.

At page 2 of the Office Action, the Examiner rejects claims 1, 6-32, and 34-69 under 35 U.S.C. §102(b) as being anticipated by WO 94/11440. According to the Examiner, WO 94/11440 describes a polymer composition containing a PHA and a metal compound. Accordingly, the Examiner concludes that the reference includes the features and characteristics of the claimed invention. For the following reasons, this rejection is respectfully traversed.

WO 94/11440 relates to a polymer composition that includes a first PHA component and optionally a second polymer component, wherein the composition includes an inorganic oxygen containing compound in the composition. WO 94/11440 simply does not teach a thermally decomposable PHA having a molecular weight of from about 500 to less than 10,000. WO 94/11440 mentions molecular weights of over 50,000. See page 2 and Examples of WO 94/11440.

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Additionally, WO 94/11440 does not teach a thermally decomposable PHA having at least one of the terminal end groups recited in claim 44 of the present application. Furthermore, WO 94/11440 does not teach or suggest powdered material being present in an amount of from about 50% to about 99.999% by weight based on the total dry weight of the composition. Should the Examiner disagree, the Examiner is respectfully requested to specifically identify page and line numbers, since the applicants have been unable to find any disclosure in WO 94/11440 that would support this rejection for low molecular weights such as in claim 1 and the dependent claims thereof or the terminal end groups as set forth in claim 44 and the dependent claims thereof. Accordingly, the rejection under 35 U.S.C. 102(b) over WO 94/11440 should be withdrawn.

The applicants and the undersigned appreciate the Examiner's indication that the references listed on PTO-1449 have made part of the record.

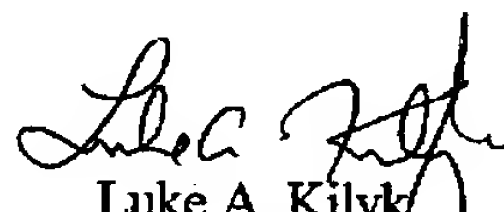
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CONCLUSION:

In view of the foregoing remarks, the applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,


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